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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,014	07/03/2001	Daishi Saiki	862.C2294	9187
5514	7590	11/10/2003		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			ZACHARIA, RAMSEY E	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 11/10/2003				
19				

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO19

Office Action Summary

Application No.	Applicant(s)
09/897,014	SAIKI ET AL.
Examiner	Art Unit
Ramsey Zacharia	1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15, 19, 21-23 and 26 is/are pending in the application.

4a) Of the above claim(s) 4-15 and 26 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3, 19 and 21-23 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 19 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) Interview Summary (PTO-413) Paper No(s) _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____ .

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 4-15 and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Drawings

3. The drawings were received on 19 August 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 112

4. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The phrase "the same type of resin" in claims 1 renders claims 1-3 indefinite because it is not clear how similar resins would have to be in order that they be considered of the "same type." The phrase is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as obvious over Ang et al. (U.S. Patent 5,851,624) in view of Preiss (U.S. Patent 5,566,889).

Ang et al. teach a multilayered molded article comprising a core layer and a skin layer surrounding the core layer (column 2, lines 13-38). The core and skin layers are made of plastic material (column 2, lines 13-17). The article may be used as an instrument panel cover containing air vents that is attached to a support structure by suitable fasteners (column 4, lines 10-17). The core layer may be made of recycled panels (column 4, lines 37-49). In this case, the core layer will necessarily contain some resin material of the same type as that of the skin layer since the recycled material of the core layer is formed by shredding (i.e. pulverizing) entire panels, which would include skin layers as well as core layers.

Ang et al., while teaching that the core layer of their panel may be made of recycled material, do not teach that their molded article is formed in the same manner as recited in instant claim 1, i.e. a core formed from a molded product that has been disassembled, pulverized, cleans, and classified.

Regarding the disassembling, pulverizing, and classifying steps, these are taken to be steps that must occur when using recycled material in molding processes. To recycle a panel, it must first be disassembled and pulverized since a whole panel cannot fit into an extruder - they are designed to use polymer pellets. And classifying is merely a nominal step; since there are no specifics as to how it is classified, simply acknowledging that it is recycled material is sufficient classification to read on the claims.

Regarding claim 3, the panel recycled to form the core layer reads on an external part (since it is a cover of an instrument panel) and a housing part (since it is houses instruments and air ducts).

Preiss discloses that known recycling methods include the step of wet milling after disassembling and shredding to produce a clean fine ground material that may then be used in molding operations (column 1, lines 25-30).

One of ordinary skill in the art would be motivated to wet mill the recycled material after shredding it to clean it prior to reusing the material.

Therefore, the inventions of claims 1-3 would have been obvious to one of ordinary skill in the art at the time the inventions were made.

Claim Rejections - 35 USC § 103

7. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ang et al. (U.S. Patent 5,851,624).

Ang et al. teach a multilayered molded article comprising a core layer and a skin layer surrounding the core layer (column 2, lines 13-38). The core and skin layers are made of plastic material (column 2, lines 13-17). The article may be used as an instrument panel cover containing air vents that is attached to a support structure by suitable fasteners (column 4, lines 10-17). The core layer may be made of recycled panels (column 4, lines 37-49). In this case, the core layer will necessarily contain some resin material of the same type as that of the skin layer since the recycled material of the core layer is formed by shredding entire panels, which would include skin layers as well as core layers. In the embodiment of Figure 5, a tab projecting out of

the surface of the panel (i.e. the skin layer) is illustrated as a means for connecting the panel to the vehicle by means of fastener 86.

Ang et al. do not teach that the tab is formed of the same material as the skin layer. Additionally, Ang et al. do not specify that the fastener is a screw.

However, one of ordinary skill in the art would be motivated to form the tab during the molding process as an extension of the skin layer to increase the durability of the panel since it is well known that a single molded piece of continuous material is stronger than multiple pieces of different materials bonded together.

Regarding claim 22, since the mounting portion of the skin layer is made of plastic it will inherently have some degree of elasticity since all polymers are visco-elastic materials.

Regarding claim 23, Figure 5 of Ang et al. illustrates the use of an elongated, screw-like fastener. The examiner takes the position that it would have been obvious to use any elongated, screw-like fasteners, including a screw, particularly since Ang et al. broadly teach that the fastener may be any suitable fastener (see column 4, lines 10-14).

Therefore, the inventions of claims 21-23 would have been obvious to one of ordinary skill in the art at the time the inventions were made.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ang et al. (U.S. Patent 5,851,624) as evidenced by Jenkins et al. (U.S. Patent 4,448,608), Perman et al. (U.S. Patent 5,508,060), and Abe et al. (U.S. Patent 4,552,780).

Ang et al. teach all the limitations of claim 19, as outlined above, except for disclosing the lightness and thickness of the skin layer. However, the skin layer is designed to be the

outermost and visible layer of a display panel and it may be of a bright color relative to a dark colored core layer (column 4, lines 4-9).

The lightness L of a molded polymer composition is a function of the color of the composition (see Tables 2 and 3 of Jenkins et al.; and column 14, lines 14-28 of Perman et al.) with $L \rightarrow 100$ as the color approaches white and $L \rightarrow 0$ as the color approaches black.

Ang et al. teach that the skin layer may be colored, i.e. containing pigments, but the reference is silent as to the color of the pigment except that it is a bright color and not dark color.

The examiner takes the position that it would have been obvious to one of ordinary skill in the art to use any pigment, including white pigments, depending on the desired color of the finished product.

Moreover, for a bright skin layer over a dark core, the appearance of the finished product is a function of the hiding power of the skin layer which in turn is a function of the thickness of the skin layer (see Abe et al., column 1, lines 17-31). That is, the thickness of the skin layer is a results effective variable. Therefore, it would be obvious to optimize the thickness of the skin layer, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2nd 272, 205 USPQ 215 (CCPA 1980).

Therefore, the invention of claim 19 would have been obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

9. Applicant's arguments with respect to claims 1-3, 19, and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (703) 305-0503. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Ramsey Zacharia
Primary Examiner
Tech Center 1700